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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,722	01/16/2004	Andrew Kilkenny	426.56	6548

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THE CLOROX COMPANY
P.O. BOX 24305
OAKLAND, CA 94623-1305

EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,722

Applicant(s)

KILKENNY ET AL.

Examiner

Charles I. Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to applicants' amendment and response received November 7, 2006. Claims 65-81 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 65-69, 74-76, and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Kott et al, US 6,303,556.

Kott et al teach hard surface cleaners comprising 10% citric acid, 2% nonionic surfactant, 8% anionic surfactant, and approximately 70% water wherein the composition has a pH of 3 (col. 92, example 36). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad comprising a scrubbing layer and an absorbent layer comprising a first and second layer (col. 86, lines 19-36). Kott et al do not specifically teach that their composition is dry to the touch. First, the examiner has serious reservations as to how a composition containing up to 85% water could possibly be dry to the touch when applied to a substrate, however, if it is true for the composition of the invention, it is certainly true of

the composition of the reference, as the composition of the reference contains the same components in the same proportions as those presently claimed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 65-69, 71-76, and 78-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kott et al, US 6,303,556.

Kott et al are relied upon as set forth above. Perfume may be present in amounts as high as 1% (col. 90, examples QQ-UU) and organic solvents of the invention may be present in amounts as low as 0.5% (col. 46, lines 4-15). Accordingly, It would have been obvious to one of ordinary skill in the art to incorporate well-known additives to hard surface cleaners into example 36 and to adjust the proportions of components within the teachings of the reference.

Claims 1, 3, 4, 6, 8, 9, 12, 13, 16-23, 25, 26, 30-46, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnabas et al, US 6,814,088.

Barnabas et al teach hard surface cleaners comprising up to 3% citric acid, up to 15% alkylpolyglycoside nonionic surfactant, a biguanide biocide, and the balance water (col. 30, claims 1-5, 8, and 11). The detergent composition is used with a cleaning

implement containing a handle, and a removable cleaning pad (col. 29, lines 61-65). The compositions are aqueous and include water in preferred amounts of from 60 to 70% (col. 4, lines 2-8). Preferred pH values of these compositions are as low as 2.5 and organic acids may be present in these compositions in amounts as high as 30% (col. 4, lines 34-67). Anionic surfactants are not preferred, but may be suitable co-surfactants of the invention (col. 14, lines 37-67). Essential oils such as terpenes and pine oil are taught as suitable additives of the invention, as well as perfumes (col. 17, lines 6-58), and it is taught that cleaning solvents should be purified to improve perfume solubility (col. 16, lines 62-66). The reference, then, has ample teachings that perfumes and essential oils may be present in the composition. The reference does not specifically teach perfumes or essential oils present in an amount of 0.5% or greater. However, it is obvious to one of ordinary skill in the art to select an effective amount of perfume or essential oils in a hard surface cleaner and such effective amounts overlap the range of 0.5% or greater presently claimed.

Barnabas et al do not specifically teach that their composition is dry to the touch. First, the examiner has serious reservations as to how a composition containing up to 85% water could possibly be dry to the touch when applied to a substrate, however, if it is true for the composition of the invention, it is certainly true of the composition of the reference, as the composition of the reference contains water in the same preferred amounts as that presently claimed.

2. Claims 65-69, 71-73, 75, 76, and 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenzi et al, US 6,217,889.

Lorenzi et al teach substantially dry, disposable personal care articles (see abstract). An example of such a composition comprises 5% citric acid, 1% perfume, 13.3% anionic surfactant, 2.8% nonionic surfactant and 52.25% water wherein the composition is applied to a substrate and dried (col. 69, example 152). Though the amount of water is just outside of that claimed, other preferred compositions of the invention contain amounts of water well within the range claimed (col. 44, examples 6, 8-10, and 15-17). Accordingly, there is ample motivation to use slightly larger amounts of water in example 152 and so render obvious the claims at hand.

Conclusion

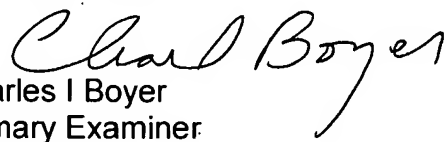
3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles I Boyer
Primary Examiner
Art Unit 1751